

REMARKS

This Amendment is submitted in response to the Office Action dated February 1, 2007, having a shortened statutory period set to expire May 1, 2007. In the present Amendment, Applicants have amended Claims 1, 8 and 15. Following entry of the present Amendment, Claims 1-21 will remain pending.

Applicants appreciate the time and courtesy extended by the Examiner during an April 25, 2007 teleconference. The conversation is believed to have been most helpful in addressing key issues related to the present prosecution. If the Examiner believes that further communication would be beneficial to the prosecution of the present application, Applicants' undersigned legal representative would be most appreciative of a telephone call to (512) 343-6116.

Rejections under 35 U.S.C. § 101

In paragraph 3 of the present Office Action, Claims 15-21 are rejected under 37 U.S.C. 101 as being directed to non-statutory subject matter. Pursuant to Applicants' telephone interview with the Examiner, Applicants have amended Claim 15 to recite, "An article of manufacture comprising a volatile or non-volatile machine-readable medium" in order to place Claims 15-21 in statutory form and thereby overcome the rejection under §101.

Rejections under 35 U.S.C. § 102 and §103

In paragraph 5 of the present Office Action, Claims 1-2, 4-6, 8-9, 11-13, 15-16, and 18-20 are rejected under 35 U.S.C. § 102(a) as being anticipated by *QuikTxt* (FAQs/How-To, 10/06/2002, Cellcom- QuikTxt). Applicants respectfully traverse these rejections.

Regarding Claims 1, 8 and 15 as amended, *QuikTxt* does not teach or suggest, "in response to determining that the number of characters of the received plurality of

characters is at least equal to a preset number of characters, automatically transmitting the plurality of characters to a message recipient within the messaging session without receipt of a send command from the message sender signifying completion of composition of the message" (as supported in the present specification at paragraph [0018], lines 3-9). With respect to this step, Examiner cites "If you have added the Quik|Txt service and own a two-way capable digital handset, you will be able to send messages to another Cellcom Quik|Txt subscriber" ("Who can I send Quik|Txt messages to?", lines 1-2). This disclosure in *QuikTxt* does not teach automatically transmitting the plurality of characters without receipt of a send command signifying completion of the message. If fact, *QuikTxt* explicitly teaches that a message is sent with a "send message" command from the sender once the message is completed ("Website to Handset", lines 1-2), which teaches away from the step of automatically transmitting the plurality of characters without receipt of a send command signifying completion of the message, as claimed. Therefore, *QuikTxt* does not anticipate independent Claims 1, 8 and 15. Claims 2, 4-6, 9, 11-13, 16 and 18-20 depend directly or indirectly from independent Claims 1, 8 and 15. Applicants therefore respectfully submit that these claims are also allowable in view of the Examiner's cited references for the reasons adduced above, as well as for their own limitations.

Regarding Claims 6, 13 and 20, *QuikTxt* does not teach or suggest, "determining that the end of the message is not contained within the plurality of characters". Examiner cites "Maximum message length is 640 characters, which includes header, name and call back number or e-mail. Any messages over 160 characters will split into multiple messages" ("Message Length", lines 1-2) as teaching the determining step. However, the splitting of the message into parts as taught by *QuikTxt* occurs only after the message is complete ("Message Length", lines 1-4). Therefore, the end of the message is necessarily contained within the plurality of characters received from the sender in *QuikTxt*. Consequently, *QuikTxt* does not teach or suggest the determining step of Claims 6, 13 and 20. Therefore, *QuikTxt* does not anticipate Claims 6, 13 and 20.

In paragraph 14 of the present Office Action, Claims 3, 10 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *QuikTxT* in view of *Malik et al.* (U.S. Pub No.: 2005/0044144 – “*Malik*”).

Regarding Claims 3, 10 and 17, *QuikTxT* does not teach or suggest “the indication is a predefined character appended to the plurality of characters” (Office Action, para. 15, lines 1-2). Examiner interprets *Malik* at paragraph [0053], lines 1-20 as disclosing the indication as a predefined character appended to a plurality of characters. However, the cited portion of *Malik* teaches adding an additional character to a domain name, not a portion of a message, as claimed. Furthermore, the additional characters disclosed by *Malik* are used to “identify [the user] as being registered under the Universal IM server 425” (para. [0053], lines 3-4). The additional characters are not used as “an indication that a transmitted plurality of characters forms only a portion of a message”, as claimed. The claimed invention would therefore not be obvious to one skilled in the art in view of the combination of *QuikTxT* and *Malik*.

All remaining rejected claims depend directly or indirectly from independent claims 1, 8 and 15. Specifically, the foregoing remarks overcome the §103 rejection of claims 7, 14 and 21 in view of the combination of *QuikTxT* and *Horvitz*. Applicants therefore respectfully submit that all claims are allowable in view of the Examiner’s cited references for the reasons adduced above, as well as for their own limitations.

CONCLUSION

As the cited prior art does not teach or suggest all of the limitations of the pending claims, Applicants now respectfully request a Notice of Allowance for all pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0447**.

Respectfully submitted,



Brian F. Russell
Registration No. 40,796
DILLON & YUDELL LLP
8911 North Capital of Texas Hwy
Suite 2110
Austin, Texas 78759
512.343.6116

ATTORNEY FOR APPLICANT(S)